IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 15651 of 1999

Between:

1 APSRTC., rep. by its Managing Director,
Mushirabad, Hyderabad.
2 The Depot Manager, APSRTC,
Narayanapet, Mahaboobnagar District.

..... PETITIONERS

AND

1 Transmission Corporation of Andhra Pradesh Limited, Rep. by its Chairman/Managing Director, Vidhyut Southa, Hyderabad.
2 Assistant Divisional Engineer (Operations), APSEB,
Makthal, Mahaboobnagar District.
3 Assistant Accounts Officer, Electricity Revenue Office,
Narayanapet, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of a Writ of Mandamus declaring the action of the respondents in issuing demand notice Dt. 23-6-1999 in Lr.No.ADE(OP) Nil/285 demanding payment of Rs.4,00,643/- as outstanding from Jan 1995 to March 1999 against Service connection No: 2953 of the premises of Bus Station of APSRTC at Narayanapet, Mahabobbnagar District and in disconnecting the said service connection on 14-7-1999 as illegal, without jurisdiction and invalid and directing the respondents to restore the power supply through service connection No: 2953 which was disconnected.

Counsel for the Petitioner: MR.V.T.M.PRASAD

Counsel for the Respondents : SMT.M.VINOBHA DEVI (SC FOR AP TRANSCO)

The Court made the following :

O R D E R :

Heard both sides.

The petitioners herein, who represent a corporation, seek to assail the impugned demand by the respondents dated 23.06.1999 claiming a sum of Rs. 4,00,643/- as outstanding from January, 1995 to March, 1999 in respect of service connection No.2953 existing in the premises of bus station at Narayanapet in Mahaboobnagar district.

The case of the petitioner is to the effect that there are absolutely no basis for issue of such demand and the entire claim as such, is wholly unsustainable. Further, in support, they sought to raise several contentions including as to the absence of any fraud or malpractice played by them. However, the fact remains that the impugned action is only a demand. Further, this court at the stage of admission, granted interim direction for restoration of power supply on payment of Rs.1,00,000/- provisionally and the said amount is said to have been paid. Having regard to several disputed aspects as involved from both sides, it is not apt for this Court to go into the same under Article 226 of the Constitution of India, and instead, the petitioners can as well submit a representation pointing out all the aspects and objections, which can be considered by the respondents.

In the circumstances, the Writ Petition is, accordingly disposed of directing the petitioners to submit the representation and make further payment of Rs.1,00,000/- within a period of six weeks from today and on receipt of such representation, the respondents shall consider the same and pass orders thereon on merits in accordance with law after giving notice and opportunity. No costs.

(B.Prakash Rao, J.)

20.01.2005

DRK

Copy to:

1 The Chairman & Managing Director, Transmission Corporation of Andhra Pradesh Limited, Vidhyut Southa, Hyderabad.
2 Assistant Divisional Engineer (Operations), APSEB, Makthal, Mahaboobnagar District.
3 Assistant Accounts Officer, Electricity Revenue Office, Narayanapet, Mahaboobnagar District.

4 Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 10178 of 2001

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20.01.2005